



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**JUN 17 2003**

James Bopp, Jr. Esq.  
Bopp, Coleson & Bostrom  
1 South 6<sup>th</sup> Street  
Terre Haute, Indiana 47807-3510

RE: MUR 4953  
U.S. Family Network

Dear Mr. Bopp:

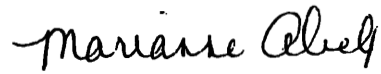
The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended ("Act"). The Commission has issued the attached Subpoena to Produce Documents and Order to Submit Written Answers which requires your client, the U.S. Family Network ("the USFN"), to provide certain information in connection with an investigation it is conducting. At this time, the Commission has made no finding that there is reason to believe that the USFN violated any provision of the Act.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

The USFN is required to submit the information within 30 days of receiving this Subpoena and Order. All answers to questions must be submitted under oath.

If you have any questions, please contact me at (800) 424-9530 or (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marianne Abely".

Marianne Abely  
Attorney

Enclosure:  
Subpoena and Order

1                                    **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3    In the Matter of

)  
)  
)

MUR 4953

6  
7                                    **SUBPOENA TO PRODUCE DOCUMENTS**  
8                                    **ORDER TO SUBMIT WRITTEN ANSWERS**  
9

10    TO:    U.S. Family Network  
11            c/o James Bopp, Jr., Esq.  
12            Bopp, Coleson & Bostrom  
13            1 South 6<sup>th</sup> Street  
14            Terre Haute, IN 47807-3510

15  
16            Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the  
17    above-captioned matter, the Federal Election Commission hereby orders you to submit written  
18    answers to the questions attached to this Order and subpoenas you to produce the documents  
19    requested on the attachment to this Subpoena. Legible copies which, where applicable, show  
20    both sides of the documents may be substituted for originals.

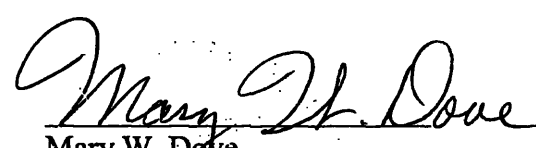
21            Such answers must be submitted under oath and must be forwarded to the Office of the  
22    General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463,  
23    along with the requested documents within 30 days of receipt of this Order and Subpoena.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand  
in Washington, D.C. on this *16th* day of *June*, 2003.

For the Commission,

  
Bradley A. Smith  
Vice Chairman

ATTEST:

  
Mary W. Dove  
Secretary to the Commission

Attachments:  
Instructions and Definitions  
Questions and Document Requests

**INSTRUCTIONS**

In answering this Subpoena to Produce Documents and Order to Submit Written Answers, furnish all documents and other information, however obtained, including hearsay, that is in your possession, custody or control.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary, or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1999 through January 1, 2000.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

**DEFINITIONS**

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

The "U.S. Family Network" ("USFN") shall mean any entity trading as or registered under the names of the "U.S. Family Network" or the "USA Family Network," or any entity that is an affiliate of, subsidiary of, or similarly related to the "U.S. Family Network" or the "USA Family Network," its officers and staff, whether paid or unpaid; board members; agents; representatives; volunteers; and attorneys thereof.

1  
2 The "National Republican Congressional Committee" ("NRCC") shall mean the political  
3 committee of that name, including, its officers and staff, whether paid or unpaid; board members;  
4 agents; representatives; volunteers; and attorneys thereof.  
5

6 "Americans for Economic Growth" ("AEG") shall mean the organization of that name,  
7 including, all officers; board members; staff, whether paid or unpaid; agents; volunteers and  
8 attorneys thereof.  
9

10 "Persons" shall be deemed to include both singular and plural, and shall mean any natural  
11 person, partnership, committee, association, corporation, or any other type of organization or  
12 entity.  
13

14 "Document" shall mean the original and all non-identical copies, including drafts, of all  
15 papers and records of every type in your possession, custody or control, or known by you to exist.  
16 The term document includes, but is not limited to books, letters, e-mails, contracts, notes, diaries,  
17 log sheets, records of telephone communications, transcripts, vouchers, accounting statements,  
18 ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets,  
19 circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video  
20 recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all  
21 other writings and other data compilations from which information can be obtained. The term  
22 documents also includes electronic copies and all temporary and permanent storage devices  
23 under the control of AEG, including but not limited to, hard drives, servers, cd roms, discs, jazz  
24 discs, zip discs, tape storage and tape back-up systems, cd and optical back-up systems,  
25 electronic logs, e-mail and e-mail back-up systems. If a document is maintained on or in a  
26 magnetic or electronic medium (for example, but not limited to, computer tape, diskette, or CD-  
27 ROM), provide both "hard" (i.e., paper) and "soft" (i.e., in the magnetic or electronic medium)  
28 copies, including drafts, and identify the name (e.g., WordPerfect, Microsoft Word for Windows,  
29 Pro Write, etc.) and version numbers by which the documents will be most easily retrieved.  
30

31 "Identify" with respect to a document shall mean state the nature or type of document  
32 (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document  
33 was prepared, the title of the document, the general subject matter of the document, the location  
34 of the document, the number of pages comprising the document, the author of the document, and  
35 all recipients of the document (including all persons, other than the primary recipient of the  
36 document, who received copies).  
37

38 "Identify" with respect to a person shall mean state the full name, the most recent  
39 business and residential addresses, telephone numbers, the present occupation or position of such  
40 person, and the nature of the connection or association that person has to any party in this  
41 proceeding.  
42

43 Additionally, where the person to be identified is or was an officer, partner, supervisor,  
44 employee, agent, co-worker, volunteer, subordinate, staff, or attorney of the USFN or was acting

1 on its behalf in any capacity between January 1, 1999 and January 1, 2000, "identify" shall mean  
2 state the person's title and responsibilities, the individual to whom the person reported, and  
3 whether the person is still an employee or agent of the USFN. "Identify" shall further encompass  
4 stating the USFN's telephone carrier(s) (both land-line and cellular) during the relevant time  
5 period, as well as, stating that person's fax number and telephone number(s) with extension(s).  
6 If the person is no longer an employee or agent of the USFN, "identify" shall further mean state  
7 the beginning and ending dates of the person's employment or agency. If the person began their  
8 employment with the U.S. Family Network between January 1, 1999 and January 1, 2000,  
9 "identify" shall further mean state where the person was employed immediately prior to being  
10 employed by the USFN, and the beginning date of their employment by the USFN.

11  
12 If the person to be identified is not a natural person, provide the legal and trade names,  
13 the address and telephone number, and the full names of both the chief executive officer and the  
14 agent designated to receive service of process for such person.

15  
16 "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to  
17 bring within the scope of these interrogatories and request for the production of documents any  
18 documents and materials which may otherwise be construed to be out of their scope.  
19

## QUESTIONS AND DOCUMENT REQUESTS

1  
2  
3 1. State whether the USFN is incorporated, where it is incorporated, the dates of its  
4 incorporation, and state whether its incorporation is presently valid. Provide copies of the  
5 articles of incorporation and by-laws under which the USFN operated during the relevant time  
6 period.

7  
8 2. Identify all persons who were directors, officers, employees, volunteers,  
9 representatives or agents of the USFN during the relevant time period.

10  
11 3. State the USFN's current address(es) and state the USFN's address(es) for all  
12 offices out of which the USFN conducted business during the relevant time period.

13  
14 4. Identify the activities engaged in and the services offered by the USFN during the  
15 relevant time period. Produce copies of all promotional materials that describe these activities  
16 and services.

17  
18 5. Provide copies of the USFN's 1998 and 1999 tax returns.

19  
20 6. Produce any and all documents that reflect, refer to or relate to:

21  
22 a. The NRCC's transfer or donation of \$500,000 in non-federal funds to the USFN  
23 on or about October 1999, including but not limited to, any and all documents that reflect, refer  
24 to or relate to the USFN's solicitation(s) or request(s) for the transfer or donation of those funds,  
25 the NRCC's approval or rejection of the USFN's solicitation(s) or request(s) for the transfer or  
26 donation of those funds, and the USFN's intended or possible use(s) for the \$500,000, or any  
27 portion thereof, including but not limited to whether some of the funds would be transferred to  
28 AEG or another organization for the purpose of running advertisements or other communications  
29 to the general public;

30  
31 b. Advertisements or other public communications to the general public sponsored  
32 by AEG starting in the fall of 1999 concerning or referring to the issue of Social Security or the  
33 Social Security Trust Fund including but not limited to the advertisements and public  
34 communications themselves, or drafts thereof, and;

35  
36 c. Communications between, among or involving the USFN, the NRCC and AEG  
37 concerning: the advertisements or other public communications sponsored by the NRCC in the  
38 fall of 1999 on the issue of Social Security or the Social Security Trust Fund; the USFN's  
39 solicitation(s) or request(s) and the approval or rejection by the NRCC of those solicitation(s) or  
40 request(s) to transfer or donate \$500,000 to the USFN; the possible or intended use(s) of the  
41 \$500,000 or a portion thereof, including transferring them to AEG or another organization for the  
42 purpose of running advertisements or other communications to the general public concerning or



1 referring to the issue of Social Security or the Social Security Trust Fund, as referenced above in  
2 Question 6b.

3  
4 7. Identify any and all person(s) involved in the communications referenced in  
5 Paragraph 6c. whether or not they are named in any of the documents required to be produced by  
6 any Question herein.

7  
8 8. Describe the USFN's document retention and destruction policies during the  
9 relevant time period and identify the person(s) responsible for ensuring that these policies were  
10 followed. If such policies are reflected in documents, produce the documents.

11  
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13  
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